

November 20, 2013

**MINUTES OF A REGULAR MEETING OF
THE TORRANCE PLANNING COMMISSION**

1. CALL TO ORDER

The Torrance Planning Commission convened in a regular session at 7:00 p.m. on Wednesday, November 20, 2013 in City Council Chambers at Torrance City Hall.

2. SALUTE TO THE FLAG

The Pledge of Allegiance was led by Commissioner D'anjou.

3. ROLL CALL/ MOTIONS FOR EXCUSED ABSENCE

Present: Commissioners D'anjou, Gibson Polcari, Skoll, Watson and Chairperson Rizzo.

Absent: None.

Also Present: Planning Manager Lodan, Planning Associate Joe, Plans Examiner Noh, Sr. Fire Prevention Officer Kazandjian, Associate Civil Engineer Symons and Assistant City Attorney Sullivan.

4. POSTING OF THE AGENDA

Planning Manager Lodan reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard on Thursday, November 14, 2013.

5. APPROVAL OF MINUTES – None.

6. REQUESTS FOR POSTPONEMENTS – None.

7. ORAL COMMUNICATIONS #1 – None.

Chairperson Rizzo reviewed the policies and procedures of the Planning Commission, including the right to appeal decisions to the City Council.

8. TIME EXTENSIONS – None.

9. SIGN HEARINGS – None.

10. CONTINUED HEARINGS – None.

11. WAIVERS- None.

12. FORMAL HEARINGS

12A. CUP13-00025: ARLING WANG (HAN CHEN)

Planning Commission consideration for approval of a Conditional Use Permit to allow automobile service, repair, and storage on property located in the M-2 Zone at 2928 Columbia Street. This project is categorically exempt from CEQA per Guidelines Section 15301(a) – Existing Facilities

Recommendation: Denial without prejudice.

Planning Associate Joe introduced the request.

Ms. Yvonne Buan, representing Arling Wang/Rstrada LTD, voiced her agreement with recommended conditions of approval and briefly described the proposed project. She explained that this will not be a typical auto repair facility, but rather it will offer cosmetic and performance enhancements for high end European cars on an appointment only basis, as well as provide storage for four vehicles.

Planning Manager Lodan clarified that staff recommended denial of the application because they were concerned about introducing an auto repair business into this development, which was designed to be an upscale business park.

Ms. Buan explained that everything will take place inside the facility as they will be catering to luxury car owners who do not want their vehicles left outside under any circumstances and this type of vehicle is rarely used and owners prefer to store them in a controlled environment.

Responding to questions from the Commission, Arling Wang, owner of Rstrada LTD, provided background information about the company. He reported that he has an existing business in West Los Angeles and this location will service customers in the South Bay. He explained that most of the auto parts he sells are via mail order; that he expects to have a maximum of 2-3 customers a day by appointment only; and that he currently has 3 employees, but will eventually have a 4-5, including an accountant to handle the books. He emphasized that his business was not an “Auto Zone” type of operation.

Chairperson Rizzo asked about adding/modifying conditions to address staff’s concerns, and Planning Manager Lodan recommended modified language for Condition No. 8.

MOTION: Commissioner Polcari moved to close the public hearing. The motion was seconded by Commissioner Gibson and passed by unanimous voice vote.

MOTION: Commissioner Polcari moved to approve CUP13-00025, as conditioned, including all findings of fact set forth by staff, with the following modifications:

Modify

No. 8 That retail sales of auto parts shall be by appointment only or in conjunction with the provision of other services.

The motion was seconded by Commissioner Watson and passed by unanimous roll call voted.

Planning Manager Lodan noted that a Resolution reflecting the Commission’s action will be brought back for approval at a later date.

12B. CUP13-00026: NIGEL HEATH/ABSOLUTION BREWING COMPANY (LA SHOJI PARTNERS LLC)

Planning Commission consideration for approval of a Conditional Use Permit to allow a tasting room in association with a brewery operation, at 2878 Columbia Street. This project is categorically exempt from CEQA per Guidelines Section 15301(a) – Existing Facilities

Recommendation: Approval.

Planning Associate Joe introduced the request.

Nigel Heath, CEO of Absolution Brewing Company, voiced his agreement with the recommended conditions of approval. He reported that the brewery would like to operate a tasting room similar to existing craft breweries in Torrance so that customers can meet the brewers, discuss the brewing process, and sample the product. He emphasized that the tasting room will not be a bar or a brew pub and the only thing that will be sold is “small pours” of beer that has been produced on site.

Wes McCann, partner/head brewer of Absolution Brewing Company, provided background information about the types of beer to be produced by the company. He explained that the company will operate a small 10-barrel system; that all beer produced will be draft beer since they do not plan to bottle or can; and that it will be distributed exclusively by So Cal Beverage under the Absolution Brewing Company name.

Commissioner Gibson asked about the size of samples, and Mr. Heath explained that they will be using a glass manufactured for beer tastings, which has markings for 4, 8 and 12-ounce pours.

Lloyd Brown, resident, expressed support for the proposed tasting room, noting that he is an advocate for American craft beers and has traveled the country visiting tasting rooms. He stated that people go to tasting rooms because they enjoy the freshness of the beer and appreciate the opportunity to interact with brewers and they are not beer bars where people go to get drunk. He pointed out that Torrance has become the home of a number of craft breweries, which attract people to the city.

MOTION: Commissioner Polcari moved to close the public hearing. The motion was seconded by Commissioner Gibson and passed by unanimous voice vote.

MOTION: Commissioner Polcari moved to approve CUP13-00026, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Skoll and passed by unanimous roll call vote.

Planning Associate Joe read aloud the number and title of Planning Commission Resolution No. 13-046.

MOTION: Commissioner Polcari moved for the adoption of Planning Commission Resolution No. 13-046. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote.

13. RESOLUTIONS – None.

14. PUBLIC WORKSHOP ITEMS – None.

15. MISCELLANEOUS ITEMS

15A. MIS13-00193: ROGER RAYMOND

Planning Commission consideration of an appeal of a Community Development Director approval of a Minor Hillside Exemption to allow an addition to an existing single-story residence on property located within the Hillside Overlay District in the R-1 Zone at 451 Calle de Castellana. This project is categorically exempt from CEQA per Guidelines Section 15301(a) – Existing Facilities

Recommendation: Approval.

Planning Associate Joe introduced the request.

Claudia Gomez, appellant, 456 Los Miradores, voiced objections to the proposed project due to privacy impact. Submitting photographs to illustrate, she explained that the proposed project would look directly into her family room and while staff observed that the room has tinted windows, which make it difficult to view the inside of the home, the tinted windows have no effect at night. She stated that staff's position is that there is no increased privacy impact as compared to existing conditions, however, according to the laws of perspective, the closer you get, the more you see. She expressed concerns about the accuracy of the hand-drawn plans and indicated that she had asked to do a field measurement, but was denied this opportunity.

Steven Cohen, 460 Via Los Miradores, stated that the project would also look into his backyard and create privacy issues. Submitting photographs to illustrate, he noted that the staff report mentions that a large tree obscures the view into his property, but this tree is normally trimmed and does not offer this protection. He expressed concerns about the lack of line-of-sight drawings.

Roger Raymond, 451 Calle de Castellana, applicant, stated that he is 95 years old and has lived in his home for 62 years and the addition is necessary because his son has moved in with him to provide assistance. He expressed dismay that his neighbors have refused to sign off on his addition even though it is only 145 square feet. Referring to photographs previously submitted, he pointed out that the view into Ms. Gomez's backyard is blocked by vegetation and a garage and the view into Mr. Cohen's property is similarly blocked by a large tree. He reported that the photographs were taken by a professional photographer who was positioned to correspond to the view from the new addition. He questioned whether Ms. Gomez was truly concerned about privacy since there are no window coverings on the rear of her home.

Ms. Gomez responded that she should not have to install blinds on her windows to protect her privacy and although she could create a privacy screen with plants, she preferred not to do so because this would affect the views of two other neighbors in addition to Mr. Raymond's.

Responding to questions from the Commission, Planning Manager Lodan explained that the plans submitted by Mr. Raymond are conceptual drawings; that detailed construction drawings must be submitted after a project is approved; and that they must conform to the original plans. He advised that the issue of allowing a neighbor to do field measurements was between the applicant and the neighbor.

Commissioner D'anjou disclosed that she had visited the property and while she wasn't able to observe the direct view from the back, she could clearly see that this home is surrounded by heavy vegetation. Voicing support for the project, she stated that she agreed with staff's assessment that this very small addition would not increase visibility into neighbors' homes.

Commissioner Gibson commented that this was the smallest addition she could recall ever being considered during her tenure on the Commission.

MOTION: Commissioner D'anjou moved to deny the appeal and approve MIS13-00193, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Skoll and passed by unanimous roll call vote.

Planning Associate Joe read aloud the number and title of Planning Commission Resolution No. 13-047.

MOTION: Commissioner D'anjou moved for the adoption of Planning Commission Resolution No. 13-047. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote.

15B. MIS13-000229: JENNIE GABELSBERG

Planning Commission consideration of an appeal of a Community Development Director approval of a Minor Hillside Exemption to allow additions and remodeling resulting in a 3,467 square-foot, single-story residence on property located within the Hillside Overlay District in the R-1 Zone at 139 Via Los Altos. This project is Categorically Exempt from CEQA per Guidelines Section 15303(a) – New Construction.

Recommendation: Approval.

Planning Associate Joe introduced the request.

Commissioner Skoll disclosed that he visited the Gabelsbergs' residence and walked the property to gain a better understanding of the plans, including grading and window placement, and his observations along with the discussion this evening would form the basis of his decision.

Commissioner D'anjou disclosed that she also viewed the site, but did not speak to any of the parties involved about the project and her observations and tonight's discussion would form the basis of her decision.

Chairperson Rizzo disclosed that he drove by the property but did not have discussions with any of the parties involved.

Steve Kaplan, legal counsel for the Gabelsbergs (applicants), asked that people who were present to support the project signify their support by a show of hands (approximately 25 people). He reported that he submitted a letter dated November 13, 2013 (agenda material) that contains exhibits which rebut the assertions made by the appellants and substantiate the findings that must be made in order for the Commission to approve the project. He noted that the letter also contains a detailed log of the Gabelsbergs' interaction with their neighbors. Urging that the Commission deny the appeal, he stated that he believes the appellants' concerns are heartfelt, but they have not submitted anything he would classify as documentary proof.

Nagy Bakhoun, Obelisk Architects, project architect, provided background information about the project. He noted that a much larger two-story project was originally proposed and this single-story design, which is the fourth iteration, has a maximum height that is lower than the existing house. Using slides to illustrate, he explained that the project exceeds the required average front setback of 20 feet; contrasted the view impact of the existing home with that of the proposed project; pointed out that moving the main entrance from the side to the front of the house will increase privacy for the neighbor next door at 145 Via Los Altos; and reviewed the positioning of windows to show that the project will not intrude on privacy at this address. He pointed out that most of the windows will be very close to the location of existing windows and the taller windows that have been proposed simply allow more natural light without sacrificing privacy.

Jason Gabelsberg, 139 Via Los Altos, applicant, reported on his efforts to work with Planning staff and his neighbors to arrive at an acceptable project. He stated that he stringently followed guidelines to minimize the project's impact and has neither asked for nor been granted any waivers or variances. Noting his extensive outreach efforts, he expressed dismay that some neighbors chose not to support the project even though they were not impacted by it because they did not want to upset their neighbors. He requested that the Commission deny the appeal and approve the project so he can finally move forward with renovations to his home.

David Donson, 148 Via Sego, indicated that he was representing the neighbors who support the project. He stated that they are pleased with the scope and high-quality design of the project and strongly believe it is in harmony with the neighborhood and that it will enhance property values. He related his belief that the Gabelsbergs have made an extraordinary effort to work with neighbors, having made many compromises and that the City of Torrance should support this growing family's efforts to expand their home since the project complies with all requirements.

Ron Johnson, 145 Via Los Altos, appellant, voiced objections to the proposed project. He contended that it does not comply with TMC §91.41.6 because it would have a considerable adverse impact on the privacy of neighbors; that it was not located, planned and designed to cause the least intrusion on the view, light, air and privacy other properties in the vicinity because the 9-foot plate heights unnecessarily increase the height of the roof; and that the project was not in harmony with the neighborhood because the 15-foot front setback was not consistent with other front setbacks. He maintained that this project should not have been approved administratively because per TMC §91.41.7 in order to do so there must be "no significant public controversy." He asserted that the project also does not comply with TMC §91.41.10 because the only reason for the 9-foot plate height in the garage is to allow for a rafter storage area and being deprived of this space does not constitute "an unreasonable hardship" since there is ample storage in the garage without this space. He related his understanding that the retaining wall does not meet development standards with regard to the required level setback from other structures.

Regis Martin, 23439 Susana Avenue, expressed concerns that the applicant has provided no details about the exact location and design of new retaining wall to be built at the rear of the property. He noted that the soil is very sandy in this area and it's very important that the wall is properly engineered to ensure that the hillside is not destabilized.

Marianne Martin, 23439 Susana Avenue, echoed concerns about the lack of detailed plans for the retaining wall. She relating her understanding that the applicant intends to use

excavated soil from the front of the property to level portions of the backyard and emphasized the need for proper drainage.

Plans Examiner Noh advised that detailed plans are not required at this stage of the process, however, if the project is approved, the applicant will be required to provide a complete set of drawings, a soils report and a grading plan by a state-licensed structural engineer, which will be reviewed by the Grading Division of the Engineering Department to ensure that the wall is properly engineered and nothing is done to destabilize the hillside.

Roger Shoemaker, 23509 Susana Avenue, expressed concerns that the new three-foot retaining wall would not be high enough to prevent people from peering over it into his backyard, as well as his kitchen, family room and rear bedrooms. He also expressed concerns about the potential of soil erosion during heavy rains.

Chairperson Rizzo noted that staff included a condition (Condition No. 3) requiring a 4.5 foot tall guardrail/fence made of solid material atop the retaining wall to address privacy issues.

Nune Nitsiotis, 137 Via Sego, suggested that it would have been helpful if the graphics presented by the architect had been shared with neighbors prior to this hearing. He reported that he has a design firm and has done multiple projects in the Hillside area and recently had a two-story project approved by the Commission with the support of neighbors. Expressing concerns about view impact, he stated that the majority of the house behind the garage will be higher than the view line and the three chimneys would further obstruct the view.

Chairperson Rizzo asked about the impact on his property, and Mr. Nitsiotis stated that he currently has a city-light view between the hip of the garage and trees which would be blocked by this project.

Maria Johnson Lee, daughter of appellant Ron Johnson, urged the Commission to discount letters of support from neighbors who do not live within visual proximity of the project. She questioned whether issues raised by her father were considered during the approval process since no formal response was received. She expressed concerns that the proposed project would intrude on the privacy of the front courtyard and shadow the south side of her parents' property thereby reducing its value. She suggested that the photograph submitted by the applicant of the slatted fence surrounding the front courtyard was misleading because the slats do provide for privacy depending on the perspective.

Mr. Johnson noted that he had asked the City for a copy of the plans so he could better understand the project but his request was refused. Assistant City Attorney Sullivan clarified that the City is not allowed to give out copies of plans without the architect's permission.

Mr. Johnson reiterated his position that the project does not comply with the Torrance Municipal Code because it was not designed to cause the least intrusion and it was not in harmony in other properties in the vicinity. He questioned whether Community Development Director Gibson personally visited the site since TMC §91.41.7 requires the Planning Director to determine that it will not have an adverse impact on properties in the vicinity and there is no significant public controversy. He contended that the applicant had mislead neighbors by stating that the plans had already been approved by the City when he asked neighbors to sign-off on them and that most neighbors did not understand the real impact of the project because they could not read the plans, noting that two neighbors signed off on the project but

subsequently retracted their approval. He recommended that the applicant be required to lower plate heights to 8'2" for both the house and garage, to push back the west entry portion of the building to be in line with the rest of the neighborhood and to eliminate the proposed retaining wall.

Mr. Bakhoun emphasized that the project exceeds front setback requirements and its maximum height is lower than the existing residence. He related his belief that the graphics presented clearly demonstrate that the project would have a positive impact on views.

Mr. Kaplan urged the Commission to deny the appeal and approve the project, noting that while Mr. Johnson and his daughter have expressed concerns about the project, no evidence has been submitted to substantiate their claims. He noted that staff has spent a lot of time at the site and it was staff's assessment that the project does not appear to create an adverse impact on the views, light, air and privacy of neighboring properties.

Mr. Johnson responded that a diagram on page 142 of the staff report shows a front setback of 15 feet, not the required 20 feet, and that a diagram on page 146 shows that the new house will be higher than the existing house.

Janet Freeland, 23503 Susana Avenue, expressed concerns that the proposed retaining wall will create problems, noting that the subject property is directly above her property and she just spent \$5000 to have railroad ties brought in to stabilize the hillside.

MOTION: Commissioner Polcari moved to close the public hearing. The motion was seconded by Commissioner D'anjou and passed by unanimous voice vote.

Commissioner Skoll voiced his opinion that the proposed project was in compliance with the Hillside Ordinance, noting that he had read the lengthy staff report from cover-to-cover and has been on this Commission for 6 years so he has a good understanding of the requirements of the Hillside Overlay. He stated that he was particularly impressed by the architect's presentation and felt that any objections to the project had been explained away.

In response to Commissioner Watson's inquiry, Planning Manager Lodan clarified that the word "Exemption" in Minor Hillside Exemption refers to the fact that these projects are exempt from the Precise Plan process, which requires a public hearing, and such projects must still comply with all R-1 building standards and Hillside Overlay requirements.

Commissioner D'anjou related her belief that the proposed project would not have any more impact than the existing home, noting that she observed that there is a substantial boundary between the Johnsons' and the Gabelsbergs' properties and the layout is quite unique. She acknowledged that neighbors on Susana were understandably concerned about the stability of the hillside and expressed the hope that these concerns had been alleviated.

Expressing support for the project, Commissioner Polcari stated that he believed the applicant had done everything possible to mitigate the impact on neighbors.

Chairperson Rizzo indicated that he would also vote to deny the appeal and approve the project because in his opinion, potential adverse impacts to view, light and privacy had been mitigated. He stated that most of the appellant's concerns seem to be related to the process rather than the project itself and he felt the process has worked since Mr. Johnson was able to file an appeal and raise his concerns before the Commission.

MOTION: Commissioner Skoll moved for the approval of MIS13-00229, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner D'anjou and passed by unanimous roll call vote.

Planning Associate Joe read aloud the number and title of Planning Commission Resolution No. 13-048.

MOTION: Commissioner Skoll moved for the adoption of Planning Commission Resolution No. 13-048. The motion was seconded by Commissioner Polcari and passed by unanimous roll call vote.

15C. COMMUNITY DEVELOPMENT DIRECTOR WEEKLY SUMMARY REPORTS

Planning Manager Lodan noted that the Community Development Director Weekly Summary Reports for October 31, and November 8, 2013 were distributed to the Commission.

16. REVIEW OF CITY COUNCIL ACTION ON PLANNING MATTERS – None.

17. LIST OF TENTATIVE PLANNING COMMISSION CASES

Planning Manager Lodan reviewed the agenda for the December 4, 2013 Planning Commission meeting.

18. ORAL COMMUNICATIONS #2

18A. Commissioner Skoll stated that he was pleased by the outcome of tonight's hearings and thought Chairperson Rizzo had done great job chairing the meeting.

18B. Commissioner Skoll reported that he attended an ExxonMobil Community Advisory Panel meeting just prior to this meeting at which the plant manager described the process of making gasoline followed by a tour of the refinery.

18C. Commissioner Watson commented positively on the meeting.

18D. Chairperson Rizzo thanked Commissioners for their patience, explaining that he believed it was important that people who come to these meetings have an opportunity to be heard and he was not inclined to cut them off unless they become repetitive.

19. ADJOURNMENT

At 9:40 p.m., the meeting was adjourned to Wednesday, December 4, 2013 at 7:00 p.m.

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Approved as submitted April 16, 2014 s/ Sue Herbers, City Clerk
